

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**SUZANNE DEGNEN, D.M.D., P.C.
d/b/a SUNSET TOWER FAMILY
DENTISTRY,**

Plaintiff,

v.

**SCHEDULING INSTITUTE, INC.
d/b/a SCHEDULING INSTITUTE,
et al.,**

Defendants.

No. 4:15-cv-00450-JAR

**PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND
EXPENSES AND AN INCENTIVE AWARD TO THE CLASS
REPRESENTATIVE**

Plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry (Degnen) moves for an award of attorneys' fees and expenses and an incentive award for serving as class representative in this class action concerning faxes sent by or on behalf of Defendant Scheduling Institute, Inc. (Scheduling Institute) in violation of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227.

1. Degnen sued Scheduling Institute in state court, engaged in contested litigation after removal, and, through mediation and further negotiations, eventually reached a tremendous class-wide settlement, whereby Defendants agreed to a \$950,000 resulting in nearly 12,000 class members having the opportunity to receive a guaranteed minimum of \$100 and a potential maximum of \$1,500.

2. Degnen requests 30 percent of the \$950,000 Settlement Fund, i.e. \$285,000 for Class Counsel's attorneys' fees, and a small sum for expenses.

3. Degnen, having participated actively at all stages of the litigation—from investigation to discovery to mediation to further negotiation after mediation—requests an incentive award of \$8,000 for its dedicated service to the class.

4. Not a single class member lodged an objection to any aspect of the settlement.

5. These requests are well supported by applicable law in the Eighth Circuit and beyond and should be approved.

6. A supporting memorandum containing declaration of the undersigned counsel and of Degnen's general manager are filed contemporaneously herewith and incorporated herein.

WHEREFORE, Plaintiff Suzanne Degnen, D.M.D., P.C., requests this Court grant an award of attorneys' fees in the amount of equal to 30 percent of the \$950,000 Settlement Fund, i.e., \$285,000, grant \$760.23 for expenses, grant an \$8,000 incentive award for serving as lead plaintiff, and grant any additional relief deemed proper.

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CERTIFICATE OF SERVICE

The above-signed certifies that on July 6, 2016, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all registered counsel of record.